

REMARKS

The Office Action of May 18, 2010, has been carefully considered.

It is noted that claims 1, 6-9 and 10 are rejected under 35 U.S.C. 103(a) over the patent to Pleschiutschnigg et al. '991 in view of the patent to Pleschiutschnigg et al. '985, the patent to Mabuchi et al., JP 406100949 and the patent application of Dittrich et al.

Claim 2 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the Dittrich et al., and further in view of JP 2000087128 and JP 10130713.

Claims 1 and 6-11 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949, the patent application of Pleschiutschnigg et al. '163, and the patent to Rose et al.

Claim 3 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al.

'985, Mabuchi et al., JP '949, Pleschiutschnigg et al. '163, and Rose et al., and further in view of JP '713.

Claims 1, 4 and 6-10 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the patent to Gero.

Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the patent to Keilman et al.

Claim 12 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and Dittrich et al., Pleschiutschnigg et al. '163, Rose et al., Gero, or Keilman et al., and further in view of the patent to Cornet et al.

Applicant has attached a verified translation of the priority document DE 103 25 955 so that applicant can now rely on the priority date of June 7, 2003.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous

manner from the methods disclosed in the references.

Turning once again to the references and the Examiner's rejections, applicant submits that it would not be obvious to combine the references as done by the Examiner. Simply because each reference teaches one of the process routes does not mean it is obvious to combine these routes into a single method, as is done in the presently claimed invention. None of the references indicates any desirability for making such a combination, and it would not be obvious to combine them because of the complex method and installation which would result. As the Supreme Court in KSR stated: "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art" (KSR Intern. Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007)).

None of the references provide any teaching of a method that includes the steps of providing a plurality of specific process routes for producing molten steel, and selecting one of the process routes from the plurality of routes provided, according to a desired final microstructure, as in the presently claimed invention. There is no teaching by any of the references of providing a plurality of process routes and then selecting one of

the process routes based on a desired final microstructure. The references at most show providing a single process route.

In view of these considerations it is respectfully submitted that the rejections of claims 1-12 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

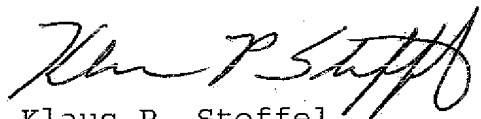
Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 02-2275.

Respectfully submitted,

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By


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By:


Klaus P. Stoffel

Date: September 20, 2010